

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-56-30 *et seq.*

R.61-79 HAZARDOUS WASTE MANAGEMENT REGULATIONS

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-79, *Hazardous Waste Management Regulations*. Interested persons are invited to present their views in writing to Richard Haynes, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on Tuesday, January 6, 2009, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (USEPA) promulgated amendments to 40 CFR 260, 261, 264, and 266 during the previous calendar year. Recent federal amendments affect three Final Rules in the period between July 1, 2007 and June 30, 2008. The first Rule provides for an exclusion to the definition of solid waste for oil-bearing hazardous secondary materials generated at a petroleum refinery when these materials are recycled by inserting them back into the petroleum refining process. The second Rule finalizes amendments to the National Emission Standards for Hazardous Air Pollutants, clarifying compliance monitoring provisions, and correcting typographical errors and omissions. The last Rule is the F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes. These wastewater treatment sludges will be exempted from the F019 listing at their point of generation, and will not be subject to any RCRA Subtitle C management requirements for generation, storage, transport, treatment, or disposal. Generators will be required to maintain records on-site to show that the waste meets the conditions of the listing. These rules were published by the USEPA in the *Federal Register* on January 2, 2008 at 73 FR 57, April 8, 2008 at 73 FR 18970 and June 4, 2008 at 73 FR 31756. The adoption of these three above-described Rules is optional to states. The Department intends to amend R.61-79 to maintain conformity with federal regulations by adopting all three rules.

Also, the Department is proposing to amend R.61-79 to reinsert a state requirement under 61-79.270 Subpart B Permit Application, at 270.10 - General Application Requirements. This state requirement calls for a site-specific inspection checklist for use in compliance inspections. This requirement was overwritten in the process of adopting a federal initiative on Final Standards for Hazardous Waste Combustors, replacing 270.10(l) with a different federal requirement. Upon review, the Department is proposing to retain the previous requirement for the checklist and reinsert it into the regulations. Since the Federal Rule replaced 270.10(l), the checklist requirement will be reinserted at 270.10(m).

South Carolina adopted the Federal Manifest Rule effective February 23, 2007. This rule requires a national manifest for shipping of hazardous waste. At the time of adoption, the Department chose to adopt the requirements by incorporating them by reference in R.61-79 as presented in the *Federal Register*, rather than include the actual text of them in the regulation. The Department is proposing to amend R.61-79 by replacing the reference and inserting the actual federal language into the state regulation to include the requirements for obtaining and filing official copies of the national manifest. This will provide specific wording in R.61-79 that will provide inspectors a means to assure the manifests meet federal standards.

Legislative review of these amendments will be required.